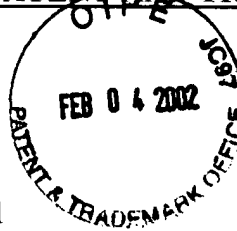


COPY OF PAPERS
ORIGINALLY FILED

PATENT
100647-03950

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Friend et al.
Serial No. : 09/882,464
Filed : June 14, 2001
For : MULTILAYERED POLYMERIC STRUCTURE
Group Art Unit : 1751
Examiner : Unassigned



1751g
FEB 13 2002
TC

919 Third Avenue
New York, New York 10022

I hereby certify that this correspondence
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envelope addressed to:
Assistant Commissioner for Patents,
Washington, D.C. 20231, on January 3, 2002

John W. Kung, Esq. Reg. No. 44,199
Name of Applicant, Assignee or Registered
Representative

John W. Kung
Signature

January 3, 2002
Date of Signature

RECEIVED
FEB 13 2002
TC 1700

RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

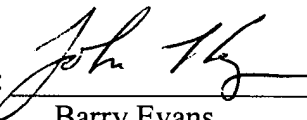
In response to the Notice to Incomplete Reply (Nonprovisional) mailed October
18, 2001, Applicants submit herewith their Petition to Proceed Without Inventor Participation

Under 37 CFR 1.47, Statement of John W. Kung, Esq., and Petition for a Four Month Extension of time.

Applicants have authorized the Commissioner to charge the petition fee of \$130.00 for Petition to Proceed Without Inventor Participation Under 37 CFR 1.47 and the petition fee of \$720.00 for a small entity for a Four Month Extension of Time to Deposit Account No. 50-0540.

Respectfully submitted,

KRAMER LEVIN NAFTALIS & FRANKEL LLP
Attorneys for Applicants

By: 

Barry Evans
Reg. No. 22,802
(212) 715-7609
John W. Kung, Esq.
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 COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/882,464	06/14/2001	Stephen O. Friend	100647-3950

Barry Evans, Esq.
 Kramer Levin Naftalis & Frankel LLP
 919 Third Avenue
 New York, NY 10022



CONFIRMATION NO. 1175

FORMALITIES LETTER



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Date Mailed: 10/18/2001

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 09/18/2001 to the Notice to File Missing Parts (Notice) mailed 07/05/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The signature of the following inventor(s) is missing from the oath or declaration:
Stephen O. Friend

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Friend et al.

Attorney Docket No. 100647/03950

Serial No.: 09/882,464

Examiner: Not assigned

Filed: June 14, 2001

Group Art Unit: Not assigned

For: MULTILAYERED POLYMERIC STRUCTURE

CERTIFICATE OF MAILING

Commissioner for Patents
Washington, D.C. 20231
BOX MISSING PARTS

I hereby certify that this correspondence is being deposited on 1/3/02
with the United States Postal Service as First Class Mail in an envelope addressed
to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Sir:

Signature: John W. Kung

John W. Kung, Kramer Levin Mattalis & Frankel LLP

**STATEMENT OF JOHN W. KUNG, ESQ.
RE: Refusal of Stephen O. Friend to Participate**

1. This Statement accompanies a Petition to Proceed Without Inventor Participation under 37 CFR 1.47(a) that petitions the Commissioner for permission under 37 CFR 1.47, 35 U.S.C. § 116, and MPEP 409.03 to prosecute the above-referenced application without the participation of inventor Stephen O. Friend, who has acted unequivocally his intention not to abide by his contractual obligations to assist in the prosecution of the above-referenced application and who persists in his unwillingness to cooperate.

2. This Statement provides proof of the relevant facts alleged in the Petition submitted in connection with the above-identified application in accordance with 37 CFR 1.47(a), which provides that:

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in §1.17(h) and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

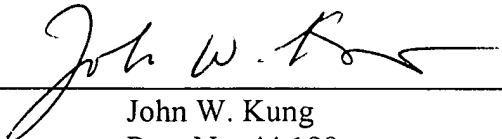
3. On Monday, November 12, 2001, I prepared a copy of a Declaration and Power of Attorney for Mr. Stephen O. Friend, formerly of Hyperion Catalysis International, Inc., to review, execute and return to us. This copy was sent by certified mail to Mr. Friend the same day.
4. On Thursday, November 15, 2001, I telephoned the Friend household at (978) 887-0399 at 5:44 PM (EST). No one was apparently home at the Friend's home, and I left a message for Mr. Friend on their answering machine asking if he received the copy of the Declaration and Power of Attorney and requesting that he return my telephone call.
5. On Wednesday, November 28, 2001, I telephoned the Friend household at (978) 887-0399 at 5:50 PM (EST) and spoke to a woman who identified herself as Mr. Friend's wife. Mrs. Friend told me that Mr. Friend had been out of the country on business but was to return home on November 29, 2001. Mrs. Friend confirmed that she had received the copy of the Declaration and Power of Attorney. She also stated that she would give the copy of the Declaration and Power of Attorney to Mr. Friend for him to execute.
6. On Wednesday, December 5, 2001, I left another telephone message on the Friends' answering machine requesting Mr. Friend to return my phone call.
7. On Wednesday, December 12, 2001, I telephoned the Friend household at (978) 887-0399 and spoke to Mrs. Friend who stated that Mr. Friend was once again travelling but was to return home on December 17, 2001.
8. On Tuesday, December 18, 2001, I called the Friend household at (978) 887-0399 at 5:20 PM (EST) and spoke to Mrs. Friend. Mrs. Friend mentioned that Mr. Friend had been getting my messages and was in possession of the copy of the Declaration and Power of Attorney.
9. As of Wednesday, January 2, 2002, I have neither received any messages from Mr. Friend nor the executed copy of the Declaration and Power of Attorney.
12. Based on the foregoing facts and circumstances, I believe that Mr. Friend's conduct constitutes a refusal to sign after a *bona fide* presentation of the application papers under MPEP 409.03(d).

13. As a consequence of my belief that Mr. Friend does not intend to cooperate, I have prepared the accompanying Petition that requests permission under 37 CFR 1.47 to proceed without Mr. Friend's signature in the prosecution of the aforementioned application.

Dated: 1/3/02

KRAMER LEVIN
NAFTALIS & FRANKEL LLP
919 Third Avenue
New York, NY 10022

Respectfully submitted,

By: 

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